

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

PABLO CHAVEZ,

Plaintiff,

v.

KINGS COUNTY, KINGS COUNTY  
JAIL, SHRIEBER, Classification Officer,  
and PITNUM, Classification Officer,

Defendants.

Case No. 1:20-cv-00503-JLT-HBK (PC)

ORDER DENYING PLAINTIFF'S FED. R.  
CIV. P. 60 MOTION

(Doc. 16)

Plaintiff Pablo Chavez, a former state prisoner appearing pro se, initiated this action under 42 U.S.C. § 1983. (Doc. 1, "Complaint.") On August 29, 2023, Plaintiff filed a "Motion to Rule 60" which the Court construes as a motion to reopen this case pursuant to Federal Rule of Civil Procedure 60. (Doc. 16.)

**BACKGROUND**

Plaintiff initiated this case on April 8, 2020, by filing a civil rights complaint pursuant to 42 U.S.C. § 1983. (Doc. 1.) On July 27, 2022, the assigned magistrate judge issued a screening order finding the Complaint failed to state a cognizable. (Doc. 12.) Within twenty-one days of service of the screening order, Plaintiff was directed to (1) file an amended complaint, (2) file a notice stating that he intends to stand on his current complaint subject to the assigned magistrate judge recommending the district court dismiss the Complaint, or (3) file a notice of voluntarily

1 dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). (*Id.*) Plaintiff failed to execute  
2 any of those three options, and on September 7, 2022, the assigned magistrate judge issued a  
3 findings and recommendations, recommending the case be dismissed for Plaintiff's failure to  
4 prosecute and comply with a court order. (Doc. 13.) The findings and recommendations were  
5 served on Plaintiff, and he was given fourteen days to file objections. (*Id.*; *see also* docket.)  
6 Plaintiff failed to file any objections, the findings and recommendations were adopted, and  
7 judgment was entered against Plaintiff on October 11, 2022. (Docs. 14, 15.) On August 29, 2023,  
8 Plaintiff filed the instant motion for relief from judgment pursuant to Federal Rule of Civil  
9 Procedure 60, which is now pending before the Court. (Doc. 16.)

#### 10 **APPLICABLE LAW AND ANALYSIS**

11 Federal Rule of Civil Procedure 60(b) provides relief from a final judgment, order, or  
12 proceeding for the following reasons:

- 13 (1) mistake, inadvertence, surprise, or excusable neglect;
- 14 (2) newly discovered evidence that, with reasonable diligence, could  
15 not have been discovered in time to move for a new trial under  
Rule 59(b);
- 16 (3) the judgment is void;
- 17 (4) the judgment has been satisfied, released, or discharged; it is  
18 based on an earlier judgment that has been reversed or vacated;  
or applying it prospectively is no longer equitable; or
- 19 (5) any other reason that justifies relief.

20 Fed. R. Civ. P. 60(b). A motion under Rule 60(b) must be brought within a reasonable time. And,  
21 for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the  
22 date of the proceeding. Local Rule 291.2 sets forth the grounds for seeking a new trial. A Rule  
23 60(b) motion lies with the discretion of the court. *Combs v. Nick Garin Trucking*, 825 F.2d 437,  
24 441 (D.C. Cir. Aug. 4, 1987); *Rodgers v. Watt*, 722 F.2d 456, 460 (9th Cir. 1983) (en banc),  
25 *reversed in part on other grounds, In re Alexander*, 197 F.3d 421, 426 (9th Cir. 1999). Because  
26 such motions under a final judgment, relief under Rule 60(b) is limited and granted sparingly in  
27 extraordinary circumstances. *See Navajo Nation v. Dep't of the Interior*, 876 F.3d 1144, 1173 (9th  
28 Cir. 2017). To succeed on a Rule 60(b) motion, "a party must set forth facts or law of a strongly

1 convincing nature to induce the court to reverse its prior decision.” *De Young v. On Habeas*  
2 *Corpus*, 2013 WL 1876120, at \*2 (E.D. Cal. May 3, 2013) (citing *Kern-Tulare Water Dist. v. City*  
3 *of Bakersfield*, 634 F.Supp. 656, 655 (E.D. Cal. Mar. 31, 1986), *affirmed in part and reversed in*  
4 *part on other grounds*, 828 F.3d 514 (9th Cir. 1987)).

5 Because Plaintiff’s motion does not specify any of the six enumerated reasons, the Court  
6 construes the motion as brought under the broad reach of Rule 60(b)(6). While broad in reach,  
7 relief under Rule 60(b)(6) nonetheless requires a fact-intensive balancing of finality and doing  
8 justice. *See Hall v. Haws*, 861 F.3d 977, 987 (9th Cir. 2017). Plaintiff’s motion is devoid of any  
9 reason why the Court should reconsider its previous judgment and reopen this case under Rule  
10 60.

11 Accordingly, Plaintiff’s motion for reconsideration (Doc. 16) is **DENIED**.

12  
13 IT IS SO ORDERED.

14 Dated: **September 15, 2023**

  
UNITED STATES DISTRICT JUDGE